

Appendix D

Courts of Plaintiff States Rejecting Market Share and Aggregate Theories of Liability

State	Case Citation
Arkansas	<i>Green v. AlphaPharma, Inc.</i> , 284 S.W.3d 29 (Ark. 2008) (“Arkansas has not adopted the market share theory of liability.”)
Florida	<i>Conley v. Boyle Drug Co.</i> , 570 So.2d 275 (Fl. 1990) (rejecting market share liability)
Indiana	<i>City of Gary ex rel. King v. Smith & Wesson Corp.</i> , 801 N.E.2d 1222, 1245 (Ind. 2003) (The market share “approach to allocation of liability has not been adopted in Indiana” and noting that “many injuries from crimes involving guns are plainly not attributable in any respect to any unlawful sale of the weapon, and all are caused at least partly by substantial wrongful conduct of non-parties.”)
Kentucky	<i>Mannahan v. Eaton Corp.</i> , 2016 WL 3887037 at *8 & n. 10 (Ky. 2016) (noting Plaintiff was not arguing for market share liability but noting that lack of evidence tying product to injury “leaves too much to chance” and “record lacks evidence that would eliminate that randomness.”)
Louisiana	<i>George v. Housing Auth.</i> , No. 2004-2167, 906 So.2d 1282, 1287 (June 29, 2005 La. App. 4th Cir.) (no Louisiana case law adopts market share liability)
Mississippi	<i>Dickens v. A-1 Auto Parts & Repair, Inc.</i> , 2018 WL 5726206, at *2 (S.D. Miss. Nov. 1, 2018) (explaining that “market-share liability” is “not recognized in Mississippi law”)
Missouri	<i>Zafft v. Eli Lilly & Co.</i> , 676 S.W.2d 241, 246 (Mo. 1984) (“Respondents argue that market share liability is unfair, unworkable, and contrary to Missouri law, as well as unsound public policy. This Court agrees.”)
North Dakota	<i>Black v. Abex Corp.</i> , 603 N.W.2d 182 (N.D. 1999) (rejecting market share liability because it requires proof of a “nearly equivalent risk of harm” among all potentially liable acts)
South Carolina	<i>Ryan v. Eli Lilly & Co.</i> , 514 F.Supp. 1004, 1006 (D.S.C. 1981) (rejecting market share liability under South Carolina law)
Texas	<i>Gaulding v. Celotex Corp.</i> , 772 S.W.2d 66, 68 (Tex. 1989) (rejecting argument that “market share liability” could raise a genuine issue of fact)